

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:	
PARENTS ON BEHALF OF STUDENT,	OAH CASE NO. 2012120842
v.	
CHINO VALLEY UNIFIED SCHOOL DISTRICT,	
CHINO VALLEY UNIFIED SCHOOL DISTRICT,	OAH CASE NO. 2013010904
v.	
PARENTS ON BEHALF OF STUDENT.	ORDER GRANTING MOTION TO CONSOLIDATE

On December 26, 2012, Parents on behalf of Student (Student) filed a Request for Due Process Hearing in OAH case number 2012120842 (First Case), naming the Chino Valley Unified School District (District) as respondent.

On January 28, 2013, the District filed a Request for Due Process Hearing in OAH case number 2013010904 (Second Case), naming Student as respondent.

On January 28, 2013, the District filed a Motion to Consolidate the First Case with the Second Case.

Student did not file a response to the motion.

CONSOLIDATION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve a common question of law or fact, specifically, whether or not the District offered and provided a free appropriate public education to Student at the June 7, 2011, October 10, 2011, and May 3, 2012 Individualized Education Program (IEP) meetings. In addition, consolidation furthers the interests of judicial economy because it will save time and prevent inconsistent rulings. Accordingly, consolidation is granted.

ORDER

1. Chino Valley Unified School District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2012120842 (First Case) are vacated.
3. The consolidated cases shall proceed as to the January 30, 2013 Scheduling Order issued in OAH Case Number 2013010904 (Second Case).
4. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013010904 (Second Case).

Dated: February 06, 2013

/s/

ROBERT HELFAND
Administrative Law Judge
Office of Administrative Hearings